

Under Rule 59(e), the Court may alter or amend its judgment if the movant “clearly establish[es] (1) that the court committed a manifest error of law or fact, or (2) that newly discovered evidence precluded entry of judgment.” *Blue v. Hartford Life & Acc. Ins. Co.*, 698 F.3d 587, 598 (7th Cir. 2012) (quoting *Harrington v. City of Chicago*, 433 F.3d 542, 546 (7th Cir. 2006)). Relief pursuant to Rule 59(e) is an “extraordinary remed[y] reserved for the exceptional case.” *Foster v. DeLuca*, 545 F.3d 582, 584 (7th Cir. 2008). “Manifest error” is not demonstrated merely by the disappointment of the losing party. *Sedrak v. Callahan*, 987 F.Supp. 1063, 1069 (N.D. Ill. 1997).

Scaturro seeks to amend the judgment so that dismissal is without prejudice. He states that he has been ill with congestive heart failure and that it is hard for him to get out of bed. A Rule 59(e) motion can be used to justify unexplained absences or failure to follow the orders of the Court. *See McInnis v. Duncan*, 697 F.3d 661 664-5 (7th Cir. 2012). The necessity of medical treatment can provide such justification, so long as it is supported by competent evidence. *See Moffitt v. Ill. State Bd. Of Educ.*, 236 F.3d 868, 874-6 (7th Cir. 2001) (explaining that a detailed showing of medical treatment is necessary to justify a delay in trial). Scaturro offers only the briefest explanation of his medical condition and provides no records in support. Nor does he explain how his condition prevented him from attending a telephone conference or responding to the Court’s numerous Orders. Moreover, there is no apparent reason why he could not bring his medical condition to the Court’s attention before judgment. *See Obrieht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008). Accordingly, the Motions for Voluntary Dismissal Without Prejudice (Docs. 58 and 59) are **DENIED**.

IT IS SO ORDERED.

DATED: March 16, 2020



STACI M. YANDLE
United States District Judge